

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA:

v.

: CRIMINAL NO. 15-127-1

KENNETH DANIELS

:

DEFENDANT'S RESPONSE TO THE GOVERNMENT'S
MOTION IN OPPOSITION TO REDUCTION OF SENTENCE PURSUANT
TO 18 U.S.C. § 3582 (c)(1)(A)(I)

COMES NOW DEFENDANT KENNETH DANIELS, IN RESPONSE TO THE
GOVERNMENT'S OPPOSITION OF MR. DANIELS FOR COMPASSIONATE RELEASE
UNDER 18 U.S.C. 3582 (c)(1)(A)(I)

I. INTRODUCTION

THE GOVERNMENT CONTENDS THAT THERE HAS BEEN NO MATERIAL
CHANGE IN CIRCUMSTANCES SINCE THIS HONORABLE COURT LAST DENIED
MR. DANIELS REQUEST FOR RELIEF. AND WE WOULD AGREE SOMEWHAT
WITH THE GOVERNMENT THAT INDEED THERE HAS BEEN NO MATERIAL
CHANGE IN CIRCUMSTANCES. THE B.D.P. CONTINUES TO ADMIT THAT IT IS
STILL OVERWHELMED, B.D.P. EMPLOYEES STILL CONTINUE TO NOT WEAR
MASKS AND FOLLOW CDC GUIDELINES, PLACING HIGH RISK INMATES WITH
UNDERLYING CONDITIONS SUCH AS MR. DANIELS AT AN INCREASED RISK
WITH NO CONSEQUENCES BECAUSE THERE IS NO ONE TO HOLD THEM ACCOUNT-
ABLE. THE B.D.P. CONTINUES TO STILL OVERCROWD PRISONS AGAINST
THE C.D.C. AND ITS OWN GUIDELINES AS IS THE CASE RIGHT NOW HERE

AT ASHLAND F.C.I. WHERE MR. DANIELS IS HOUSED. CURRENTLY THE PANDEMIC IS STILL ONGOING AND PEOPLE (DESPITE THE GOVERNMENT'S OUTDATED ASSERTION) ARE STILL DYING AT ELEVATED RATES THAT HAVE RISK FACTORS SUCH AS MR. DANIELS HAS. EXCEPT NOW WE KNOW THE SCIENCE SHOWS THIS IS YET HAPPENING TO BOTH THE UNVACCINATED AND VACCINATED AT ALARMING RATES. PRISON SANITATION POLICIES ARE STILL NOT BEING FOLLOWED BECAUSE THERE IS NO ONE TO ENSURE THAT THEY ARE. THE GOVERNMENT EVEN LAYS OUT THE POLICIES PUT IN PLACE BY THE B.O.P. ONLINE. AND WHILE THE B.O.P. HAS PUT OUT GUIDELINES IT WOULD BE NAIVE AND UNREALISTIC FOR ANYONE TO BELIEVE THAT THE B.O.P. HAS FOUND A MAGIC FORMULA THAT CAN SOMEHOW ALLOW THEM TO ELIMINATE THE THREAT OF AND/OR SPREAD OF COVID-19. ON THE CONTRARY, THE B.O.P. HAS NOT AND DOES NOT REGULARLY TEST INMATES FOR COVID-19. ONE WOULD ASSUME THAT IF AN INMATE IS SICK THAT THEY WOULD ASK TO BE TESTED, HOWEVER THIS IS ABSOLUTELY NOT THE CASE. THE ENVIRONMENT THAT HAS BEEN CREATED BY THE B.O.P. POLICIES HAVE CAUSED THE OPPOSITE EFFECT. MOST INMATES ARE UNDER AN EXTREEM AMOUNT OF PRESSURE TO NOT GET TESTED DUE TO THE CONSEQUENCES THAT PEERS HAVE TO FACE AS WELL. FOR EXAMPLE, IF AN INMATE TESTS POSITIVE FOR COVID-19, THAT INMATE IS REMOVED FROM GENERAL POPULATION AND PLACED IN SEGREGATION. HOWEVER THE OTHER INMATES THAT ARE LEFT IN THAT UNIT ARE ALL PLACED ON A LOCK DOWN STATUS WITH VERY LIMITED ACCESS TO SHOWERS, T.V.'S, PHONES AND EMAIL. ADDED TO THOSE RESTRICTIONS, REGULAR COMMISSARY PRIVILIGES ARE STRIPPED FROM THE ENTIRE UNIT FOR A MINIMUM OF 2 WEEKS. THIS CAUSES PRESSURE BECAUSE INMATES ARE PUNISHED IF YOU TEST POSITIVE FOR COVID-19. THIS TYPE POLICY DOES NOT REWARD OR ENCOURAGE TRANSPARENCY BUT RATHER HAS THE OPPOSITE EFFECT AND PLACES INMATES SUCH AS MR. DANIELS AT AN EVEN HIGHER RISK OF CONTRACTING COVID-19 AND BECOMING DEADLY ILL.

BEFORE HE WOULD RECEIVE ANY TESTING FOR COVID-19.

II. EXTRAORDINARY AND COMPELLING REASONS

A. MEDICAL

THE GOVERNMENT BEGINS ITS ATTACK ON MR. DANIELS MOTION BY 1ST ASSERTING THAT MR. DANIELS PRESENTS NO "EXTRAORDINARY AND COMPELLING REASON." THE GOVERNMENT THEN STATES "DANIEL'S LATEST MEDICAL RECORDS ... THEY REVEAL THERE HAS BEEN NO CHANGE IN HIS HEALTH." WHAT THE GOVERNMENT STRATEGICALLY AND INTENTIONALLY OMITS IS WHAT THOSE HEALTH ISSUES ARE. WE WILL NOT REITERATE EVERYTHING WE PLACED IN THE PREVIOUS MOTION AS IT RELATES TO MR. DANIELS HEALTH, BUT WE WOULD BE REMISS TO NOT POINT OUT TO THE COURT THAT MR. DANIELS SUFFERS FROM SEVERAL OF THE CDC TOP UNDERLYING CONDITIONS THAT COULD LEAD TO SERIOUS HEALTH ISSUES WHEN COMBINED WITH COVID 19, UP TO DEATH. THESE INCLUDE BUT ARE NOT LIMITED TO SLEEP APNEA, OBESITY, HYPERTENSION AND SERIOUSLY LOW LEVELS OF IRON WHICH HAS CAUSED MR. DANIELS TO BECOME ANEMIC. THIS ALSO ADDS MORE STRESS TO THE CARDIO-VASCULAR SYSTEM ON ITS OWN. THESE UNDERLYING CONDITIONS ARE "EXTRAORDINARY AND COMPELLING REASONS" NOT ALONE, WHICH THE GOVT. APPEARS TO ARGUE, BUT WHEN COMBINED WITH THE OBVIOUS IMPACT THAT COVID-19 WOULD HAVE ON MR. DANIELS' HEALTH, SHOULD HE CONTRACT COVID-19. THE QUESTION IS NOT IF MR. DANIELS WILL BE EXPOSED TO COVID-19. THE B.D.P. THEMSELVES WILL ATTEST TO THE FACT THEY CANNOT PREVENT EXPOSURE. SO THE QUESTION BECOMES "WHEN"? KNOWING THIS THE GOVERNMENT THEN MOVED TO THEIR NEXT POINT BY USING OUTDATED CASES AND OUTDATED INFORMATION TO TRY TO CONVINCE THE COURT THAT SOMEHOW MR. DANIELS IS NOW TOTALLY IMMUNE FROM ALL VARIANTS OF COVID-19 BECAUSE HE HAS TAKEN THE VACCINATION. THE GOVERNMENT

"SUGGESTS THAT NOW THAT MR. DANIELS HAS RECEIVED THE VACCINATION, THE THREAT OF COVID-19 IS NO LONGER THERE. THIS IS ABSOLUTELY ABSURD AND RIDICULOUS THAT IN THE MIDST OF A SURGE OF COVID-19 VARIANTS THAT WITHOUT QUESTION IS ALLUDING THE VACCINATION AND KILLING THOUSANDS OF PEOPLE. THIS WOULD BE THE GOVERNMENT'S POSITION. EVEN MORE RIDICULOUS IS THE FACT BY OUR OWN GOVERNMENT'S ADMISSION VIA OUR PRESIDENT, THEY HAVE ADMITTED PEOPLE ARE STILL CONTRACTING COVID-19 AND DYING FROM SYMPTOMS THEREOF. BUT YET THE GOVERNMENT IN THEIR MOTION ACT AS IF THEY MISSED THAT MEMO AND CONTINUE TO PUSH THEIR OUTDATED INFORMATION THAT WITH THE VACCINATION THE THREAT IS NO LONGER REAL. THAT IS AN INSULT TO MR. DANIELS AND TO THIS COURT. THE GOVERNMENT, BY USING THIS STATEMENT, IS ATTEMPTING TO MISLEAD THE PUBLIC, THE COURT AND MR. DANIELS AND SHOULD AMEND SUCH STATEMENTS TO REFLECT THE MOST CURRENT AND UPDATED SCIENTIFIC INFORMATION. AGAIN WE STRESS THAT MR. DANIELS IS NOT SEEKING COMPASSIONATE RELEASE BASED ON COVID-19 ALONE, BUT THE THREAT THAT COVID-19 CAUSES WHEN COMBINED WITH MR. DANIELS' UNDERLYING HEALTH RISKS. WHEN THESE ARE COMBINED TOGETHER, THIS CAUSES "EXTRAORDINARY AND COMPELLING REASONS" AND THEY WARRANT COMPASSIONATE RELEASE. THE GOVERNMENT THEN LIES YET AGAIN ANOTHER OUTDATED CASE (AND WE USE THE EXPRESSION OUTDATED BECAUSE COVID-19 IS STILL AN ONGOING PANDEMIC THAT EFFECTS HAVE NOT YET BEEN RESOLVED AND INFORMATION CONSTANTLY CHANGES MONTHLY IF NOT DAILY). GARRET V. MURPHY, 17 F. 4TH 419 (3RD CIR. 2021) THAT USES NATURAL IMMUNITIES AS REASONS TO BE DENIED. AS RECENTLY PROVEN NATURAL IMMUNITY DOES NOT GUARANTEE THAT ONE WILL NOT CATCH A 'REBOUND' CASE OF COVID-19. ONE EXAMPLE BEING THE PRESIDENT OF THE UNITED STATES WHOM RECENTLY CONTRACTED COVID-19, RECOVERED, AND AGAIN TESTED POSITIVE JUST DAYS AFTER RECOVERING. THE ARGUMENT OF NATURAL IMMUNITY NO LONGER EXISTS. THE GOVERNMENT THEN POINTS OUT THAT COURTS HAVE RULED (IN OUR OPINION WRONGLY) THAT BECAUSE

THE RISK IS LESSENED WITH A VACCINATION THAT EVEN WITH PRE-EXISTING MEDICAL CONDITIONS IT DOES NOT CONSTITUTE EXTRAORDINARY AND COMPELLING REASONS. AGAIN, THIS CASE WAS PREDICATED ON INFORMATION THAT WAS AVAILABLE AT THE TIME WHICH IS NOW NOT THE PROPER SCIENTIFIC UNDERSTANDING. WE NOW KNOW THAT THE VACCINATION DOES NOT TOTALLY PREVENT SERIOUS HEALTH RISK TO THOSE WITH UNDERLYING CONDITIONS. ANYONE THAT HAS LIVED THROUGH THE HORRIFIC BATTLES OF HAVING UNDERLYING CONDITIONS AND FIGHTING FOR THEIR LIVES AT ANY POINT OF THIS PANDEMIC WOULD BE INSULTED AT THE SUGGESTION OF WAITING UNTIL YOU ARE SURROUNDED BY COVID TO BE AT RISK OF COVID

B. REHABILITATION

MR. DANIELS HAS WORKED EXTREMELY HARD TO REHABILITATE. ONE WOULD BE HARD PRESSED TO FIND MANY INMATES THAT HAVE ACCOMPLISHED COMPLETING THE AMOUNT OF CLASSES AND HOURS OF PROGRAMMING THAT MR. DANIELS HAS. AND AGAIN MR. DANIELS IS NOT ASKING THE COURT TO CONSIDER "ALONE" HIS REHABILITATION BUT TO CONSIDER THIS AS EVIDENCE OF THE SERIOUSNESS THAT MR. DANIELS HAS TAKEN THIS PARTICULAR PERIOD OF INCARCERATION AS COMPARED TO PREVIOUS PERIODS OF INCARCERATION MR. DANIELS HAS FACED. MR. DANIELS WOULD POINT OUT TO THE COURT THAT HE USES HIS REHABILITATION NOT AS A REFERENCE TO SAY HE DESERVES A GET OUT OF JAIL FREE CARD FOR IMPROVING HIMSELF BUT AS PROOF THAT HE HAS SELF REFLECTED AND TAKEN THE INITIATIVE TO BECOME A BETTER MAN AND HAS PUT IN WORK TO BECOME A BETTER CITIZEN IN HIS COMMUNITY. WHICH IS THE ULTIMATE GOAL AT SENTENCING; TO CREATE A TIME OF SELF REFLECTION THAT DETERS THAT INDIVIDUAL FROM FUTURE CRIMES. MR. DANIELS HAS TAKEN THIS SENTENCE SERIOUS AND HAS TAKEN RESPONSIBILITY FOR HIS ACTIONS AND HAS SHOWN THIS BY HIS EXTRAORDINARY EFFORTS IN PROGRAMMING AND CLASS PARTICIPATION. SOMETHING

THAT THE COURT SHOULD WEIGH WHEN CONSIDERING THE SERIOUS HEALTH RISK MR. DANIELS FACES WHEN HE IS EXPOSED TO COVID-19 WITH UNDERLYING CONDITIONS. MR. DANIELS THEREFORE PRESENTS THIS IN COMBINATION WITH HIS MANY OTHER STATED "EXTRAORDINARY AND COMPELLING REASONS" AND NOT JUST "ALONE".

C. PROTECTION/PREVENTION FROM COVID-19

JUST RECENTLY THE PRESIDENT OF THE UNITED STATES WAS DIAGNOSED WITH COVID-19. HE RECOVERED, AND AS WE STATED BEFORE HE CAUGHT A "RE-BOUND" CASE OF COVID-19. THE SECRET SERVICE COULD NOT PREVENT EVEN THE PRESIDENT FROM CATCHING COVID-19. HOWEVER THE GOVERNMENT ASKS THAT WE ARE TO BELIEVE THAT IT IS A FRIVOLOUS STATEMENT TO MAKE BY SAYING THE B.D.P. CANNOT PREVENT OR PROTECT MR. DANIELS FROM EXPOSURE TO COVID-19. EVEN THIS B.D.P. ITSELF CANNOT GIVE THAT ASSURANCE NOR CAN IT SPEAK TO THE GUARANTEE THAT IT CAN PROVIDE ADEQUATE MEDICAL CARE TO ANYONE MUCH LESS A SICK COVID-19 PATIENT. THE B.D.P. HAS RECENTLY BEEN UNDER FIRE BY CONGRESS FOR ITS MASSIVE AMOUNTS OF LAWSUITS AND FAILURE TO PROVIDE ADEQUATE CARE. IT'S VERY TRUE THAT THE B.D.P. DOES HAVE GUIDELINES BUT THESE GUIDELINES ARE RARELY EVER FOLLOWED. IT IS TRUE THAT THE B.D.P. DOES HAVE LOW NUMBERS AS IT RELATES TO COVID-19 DEATHS AND POSITIVE CASES OF COVID. HOWEVER, IF THE B.D.P. DOES NOT REQUIRE MANDATORY TESTING OF INMATES, AND IF INMATES ARE PRESSURED INDIRECTLY NOT TO REQUEST TESTING DUE TO THE POSSIBLE CONSEQUENCES THEY FACE AND THEIR PEERS FACE. SO CAN THE TESTING BE TRUSTED??? THE GOVERNMENT STATED THAT MANY B.D.P. FACILITIES ARE GOING "MONTHS" WITHOUT POSITIVE CASES. IS IT PLAUSIBLE TO REALLY THINK THAT CASES OF COVID-19 ARE EVERYWHERE EXCEPT THE B.D.P.? REALLY? THE B.D.P. HAS BEEN QUESTIONED BY CONGRESS ABOUT THIS. MATTER OF FACT THE HEALTH AND HUMAN SERVICES DEPART-

MENT HAVE BEEN SOUNDING THE ALARM BECAUSE THE B.O.P. IS NOT USING THEIR ALLOTED AMOUNTS OF TESTING AND VACCINES. SO THE QUESTION REMAINS; HAS THE B.O.P. REALLY FOUND THE SECRET TO CONTROLLING COVID? IF YOU TRUST THESE NUMBERS THEN WHY NOT SHARE THE SECRET WITH THE REST OF THE WORLD THAT CONTINUES TO STRUGGLE TO CONTAIN THIS DEADLY DISEASE? IN SHORT, THE GOVERNMENT IS WRONG. THE B.O.P. CAN-NOT GUARANTEE THAT MR. DANIELS WILL BE PROTECTED FROM EXPOSURE TO COVID-19 AND CANNOT ASSURE THAT ADEQUATE CARE CAN BE PROVIDED TO MR. DANIELS IN AN ATMOSPHERE THAT DISCOURAGES EVEN TESTING FOR COVID-19.

D. Family Circumstances

THE GOVERNMENT ATTACKS MR. DANIELS FAMILY CIRCUMSTANCES BY REDUCING THE HORRIFIC PAIN AND SUFFERING HIS WIFE IS ENDURING ALONE AFTER THE TRAGIC DEATH OF THEIR SON BY SUICIDE WHICH WAS WITNESSED BY HER OTHER SON, WHO WAS HOME AT THE TIME, TO JUST 4 SENTENCES. THEY THEN TAKE THESE 4 SENTENCES TO ATTEMPT TO CONVINCE THE COURT THAT ALTHOUGH IT'S TRAGIC THIS DOES NOT MEAN THAT MR. DANIELS PRESENCE IS "ESSENTIAL". NOW THEY GIVE NO REASONING FOR SUPPORT FOR THIS SUGGESTION. THE REASON WHY IS THEY KNOW THAT MRS. DANIELS NOR THEIR SON PSYCHOLOGICALLY IS IN A GOOD PLACE. IT WOULD BE RIDICULOUS TO THINK THAT MR. DANIELS IS NOT "ESSENTIAL" TO THE WELFARE OF HIS FAMILY IN THIS PIVITAL MOMENT OF THEIR LIFE. MR. DANIELS NEEDS TO BE THERE TO PROVIDE THE ESSENTIAL CARE THAT BOTH HIS WIFE AND STEP-SON ARE IN NEED OF. MRS. DANIELS MENTAL HEALTH IS IN A DEBILITATED STATE AS WOULD ANY PARENT BE THAT WOULD LOSE A CHILD IN THIS MANNER. SHE IS IN A STATE THAT REQUIRES HER HUSBAND MR. DANIELS TO BE THERE FOR HER AS A CARE GIVER TO ENSURE THAT SHE IS WELL AS SHE GRIEVES AND BE THERE AS A CAREGIVER TO HIS

8
OTHER STEPSON WHOM WITNESSED THIS HORRIFIC SUICIDE. ON THE DAYS WHEN HIS WIFE IS MENTALLY INCAPABLE OF DEALING WITH SUCH MOMENTS AND UNABLE TO GIVE THAT CARE TO THEIR YOUNGEST CHILD MR. DANIEL'S PRESENCE IS CRITICALLY ESSENTIAL TO HIS FAMILY. MR. DANIELS PRESENCE IS ALSO CRITICALLY ESSENTIAL TO HIS MOTHER. HIS MOTHER IS VERY SICK AND AS NOTED BEFORE HAS SEVERAL HEALTH ISSUES AND MR. DANIELS IS THE ONLY CAREGIVER THAT CAN DEPENDABLY CARE FOR HIS MOTHER. MR. DANIELS BROTHER WHOM IS CURRENTLY HAVING STRUGGLES WITH DRUG ADDICTION HAS HAD MULTIPLE INCIDENTS OF VIOLENCE TOWARDS MR. DANIELS MOTHER. AS WELL AS ARRESTS FOR THEFT. (IN ALL CASES MR. DANIELS MOTHER WAS THE VICTIM.) WE HAVE ADDED AS EVIDENCE A POLICE REPORT TO SHOW THE COURT THAT MR. DANIELS MOTHER DOES NOT HAVE A STABLE CARE GIVER AT THIS TIME DUE TO MR. DANIELS BROTHERS CONDITION AND THAT MR. DANIELS IS ESSENTIAL TO PROVIDING CARE TO HIS MOTHER.

WE WOULD LIKE TO ADD THAT WHERE MR. DANIELS IS CURRENTLY HOUSED AT IN KENTUCKY, ASHLAND F.C.I. IS LOCATED IN ONE OF THE HOTTEST REGIONS IN THE COUNTRY AND THE HOUSING UNIT IS EXPOSED TO EXTREME HEAT THAT POSES SEVERE HEALTH RISKS TO SOMEONE WHO HAS A MEDICAL HISTORY AS MR. DANIELS HAS. THESE EXTREME LEVELS OF HEAT CAN CAUSE MOTOR ORGANS TO FAIL. SUCH AS THE KIDNEYS, LIVER, HEART, BRAIN, AND LUNGS, WHICH CAN LEAD TO RENAL FAILURE, HEART ATTACK AND STROKE. MR. DANIELS IS HOUSED WITHOUT AIR CONDITIONING, WITH VERY POOR VENTILATION. THE UNIT HOUSING WHERE MR. DANIELS LIVES IS KNOWN BY STAFF AND INMATES AS "THE BARNs" BECAUSE IT WAS ONCE BARNs THAT HOUSED ANIMALS AND WAS NEVER DESIGNED FOR HUMANS TO LIVE IN. IT IS A UNIT THAT IS EXTREMELY OUTDATED, EXTREMELY HOT AND HAS A REPUTATION FOR INMATES HAVING HAD HEART ATTACKS IN THE PAST THAT HAVE LED TO DEATH. CURRENTLY THERE ARE SEVERAL LAWSUITS PENDING FROM OTHER INMATES ON THIS VERY ISSUE AND OTHERS INCLUDING ASBESTOS,

IN THE CEILING, BLACK MOLD, STRONG SMELLS OF URINE AND FECES DUE TO LACK OF VENTILATION, BROKEN TILE, MICE, BROKEN PLUMBING AND TOILETS, POISONOUS SPIDERS INFESTATIONS, ETC. THESE POOR LIVING CONDITIONS, COMBINED WITH THE THREAT OF EXPOSURE TO COVID-19, AND MR. DANIELS UNDERLYING CONDITIONS PRESENT "EXTRAORDINARY & COMPELLING REASONS AND WARRANT RELIEF.

E. JACKSON V. UNITED STATES

Finally the government states that Mr. Daniels argument that his sentence under current law would be different "IS NOT A BASIS FOR CONSIDERATION." After Concepcion v. United States it is clear that the court can and should consider this argument as basis for compassionate release. Mr. Daniels is simply arguing that had he been aware of this law at the time the court would possibly have given him a significantly less amount of time. This disparity in his sentence creates by itself "EXTRAORDINARY AND COMPELLING REASONS" AND WARRANT RELIEF. Mr. Daniels is not challenging when he committed this crime but rather the disparity caused due to the change in law. However, we would make the court aware that although this crime was committed on November 5th 2014, Mr. Daniels was sentenced AFTER September 2015 when the Pennsylvania and federal laws regarding cocaine were NOT IN SYNC. For these reasons we feel that this disparity caused be an overlapping change of law between Mr. Daniels offense and time he was convicted and sentenced. And this should be weighed and warrant at least a reduction in sentence for Mr. Daniels.

III CONCLUSION

IN CONCLUSION MR. DANIELS HAS WORKED HARD THROUGH THIS INCARCERATION TO IMPROVE HIMSELF UPON RE-ENTRY INTO SOCIETY. MR. DANIELS, DESPITE HIS MANY SERIOUS MENTAL AND PHYSICAL HEALTH CONDITIONS HAS PUT THOUSANDS OF HOURS OF EFFORT INTO MAKING SURE THAT HE IS PREPARED FOR THE OPPORTUNITY TO RETURN BACK AS A POSITIVE FORCE INTO HIS LOCAL COMMUNITY. MR. DANIELS IS PREPARED FOR THE OPPORTUNITY TO SHOW THE COURT THAT HE HAS PUT HIS CRIMINAL BEHAVIORS BEHIND HIM. MR. DANIELS UNDERSTANDS THE IMPACT THAT HIS CRIMINAL BEHAVIORS HAVE MADE TO THE COMMUNITY AS WELL AS TO HIS OWN FAMILY AND HE HAS MADE A COMMITMENT TO NEVER RETURN TO SUCH BEHAVIORS GOING FORWARD.

WHEN YOU CONSIDER THE STATE OF HEALTH THAT MR. DANIELS FACES COMBINED WITH THE EXTREMELY POOR LIVING CONDITIONS SUCH AS THE EXTREME AMOUNTS OF HEAT AND POOR VENTILATION THAT MR. DANIELS HAS TO LIVE IN WHILE ON A C-PAP MACHINE. THEN COMBINED WITH THE CONTINUOUS THREAT OF EXPOSURE TO COVID-19 THE 3553(9) FACTOR WEIGH IN MR. DANIELS FAVOR AND THE 3553(A) FACTORS SUPPORT MR. DANIELS RELEASE. MR. DANIELS, OVER HIS TERM OF INCARCERATION HAS DEALT WITH SOME SERIOUS HEALTH ISSUES THAT HE DID NOT BEFORE HAVE TO DEAL WITH. MR. DANIELS FACES SERIOUS HEALTH DECISIONS GOING FORWARD IN HIS LIFE THAT WILL REQUIRE HIM TO SEE SPECIALISTS. THESE PHYSICAL HEALTH ISSUES WILL PLAY A MAJOR ROLE IN DETERING MR. DANIELS FROM FUTURE CRIMINAL BEHAVIORS AS HE ENTERS A VITAL STAGE IN HIS LIFE WHERE HE MUST BEGIN TO PROTECT HIS HEALTH. MR. DANIELS MUST PLAY A MAJOR ROLE AS WELL AS IN THE MENTAL HEALTH CARE OF HIS WIFE AND FAMILY AS THEY BEGIN TO GO THROUGH THIS PERIOD OF GRIEVING. THIS ALONG WITH THE ROLE HE MUST PLAY AS A CARE GIVER FOR HIS MOTHER WILL ALL ACT AS WELL TO DETER MR. DANIELS FROM ANY FUTURE CRIMINAL CONDUCT

ALSO THE COURT MUST ATLEAST CONSIDER THAT THE JACKSON V. UNITED STATES CASE WOULD CLEARLY SUGGEST THAT IF MR. DANIELS WAS SENTENCED

TODAY BOTH THE SENTENCE GUIDELINES AND 3553(A) FACTORS WOULD SUPPORT AND RECOMMEND THAT MR. DANIELS RELEASE IS WARRANTED. WE THEREFORE ASK THE COURT TO RULE IN FAVOR OF MR. DANIELS DESPITE THE GOVERNMENTS OBJECTIONS. MR. DANIELS WILL NOT SQUANDER THIS OPPORTUNITY SHOULD THE COURT GRANT HIM THIS MOTION. IF THE COURT HAS ANY RESERVATIONS OR DOUBTS THIS CAN BE BALANCED BACK INTO MR. DANIELS FAVOR AS HE WILL BE SUPERVISED BY THE U.S. PROBATION OFFICE DURING THE PERIOD OF SUPERVISED RELEASE THE COURT HAS IMPOSED ON MR. DANIELS. ANY ISSUES THE U.S. PROBATION OFFICE MAY PERCIEVE CAN BE QUICKLY BROUGHT BACK BEFORE THIS SAME COURT. WE ASK THAT THIS COURT WOULD RULE THAT THE 3553(A) FACTORS FAVOR MR. DANIELS RELEASE AND THAT MR. DANIELS BE GRANTED A REDUCTION IN HIS SENTENCE.

RESPECTFULLY SUBMITTED
Keith Daniels

ATTachments (1), (2) & (3)

FROM: Daniels, Nitasha

TO: 72055066

SUBJECT: Letter from me for the courts

DATE: 08/12/2022 09:51:02 AM

I Nitasha L Daniels am writing this letter because I need my husband Kenneth L Daniels home to help me Emotionally, Physically and Financially. I am grieving the lost of my son who Committed Suicide on May 3rd 2022 . I have been out of work on a Mental Health Leave since then. I am an emotional wreck. I literally am very overwhelmed I have Serious health issues and on top of that I'm taking care of my sick mom and helping to take care of my mother in law Angela Miller too who is sick. I also am helping my children get through their grief as well for the loss of their brother. They are an emotional wreak too. I truly need my husband's help to get back on track. I have so much stress on me. I'm barely sleeping, I'm losing weight. I'm an Emotional Wreck. Please take in consideration all that I'm going through and Allow my husband Kenneth L Daniels to come home. Thanks in Advance.

Sincerely Nitasha L Daniels



Incident Report

**CITY OF CHESTER POLICE DEPARTMENT
24TH DISTRICT
160 E 7TH ST
CHESTER, PA 19013**

Phone: (610)447-7931

Incident #	Reference #	Municipality Report Type	CHESTER CITY (301) OFFENSE
2020-02300		Location	29 W 21ST ST - CHESTER 19013
Criminal Code	Title :	Landmark	
	Section :	Premise	HOME OF VICTIM - SINGLE FAMILY DWEL
	Sub-Section :	Point of Entry	FRONT DOOR
	Description :	Meth. of Entry	FORCED
UCR Codes		Patrol Zone	MAD Grid
		Reported	01/15/2020 @ 23:15 (Wed)
		Discovered	@
		Last Secure	@
		Received	23:15 Dispatched 23:15
		Arrived	23:18 Cleared 23:30
		Status	ARRESTED
		Disposition	CLEARED BY ARREST
		Clear Date	01/15/2020
		Badge	322 - OFF MICHAEL SPICER

Additional Officers

<u>Officers</u>	<u>Date</u>	<u>Activity</u>
273 OFC MICHAEL DINGLER	/ /	ASSIST

Investigating Officer	Date	Approving Officer
Signature		Signature

Persons Involved**MILLER, ANGELA**

Arrest Date :

Disposition Date :

Role VICTIM	Incident Classification 0511 BURGLARY-FORCED ENTRY-RESIDENCE-NIGHT	How Charged	Disposition

Alias			
Age-DOB	58 - 01/08/1962	Height	
Race	BLACK	Weight	0
Sex	FEMALE	Hair	
Ethnicity	NON-HISPANIC	Eyes	
Marital Stat	UNKNOWN	Build	
Residency	Unknown	Complex.	
SSN	108-50-4014	Home Ph #	
Gang		Work Ph #	
Tattoo		Cell Ph #	(610)874-1430
Clothing		Other Ph #	
GBM Id		E-Mail	
-Entered	/ /	Employer	
-Released	/ /	Occupation	
OLN/State	30477441/PA	Addl Addr	None
Injury			No Photo

DANIELS, HASSAN NADIR

Arrest Date : 1/15/2020

Disposition Date : 12/8/2020

Role OFFENDER	Incident Classification 0511 BURGLARY-FORCED ENTRY-RESIDENCE-NIGHT	How Charged ARRESTED	Disposition GUILTY OF LESSER CHARGE

Alias			
Age-DOB	39 - 07/31/1980	Height	5'09"
Race	BLACK	Weight	225
Sex	MALE	Hair	BLACK
Ethnicity	NON-HISPANIC	Eyes	BROWN
Marital Stat	SINGLE	Build	LARGE
Residency	Resident	Complex.	DARK
SSN	192-60-2084	Home Ph #	(610)872-3220
Gang		Work Ph #	() -
Tattoo		Cell Ph #	(484)480-3374
Clothing		Other Ph #	
GBM Id		E-Mail	
-Entered	/ /	Employer	
-Released	/ /	Occupation	
OLN/State	29358267/PA	Addl Addr	None
Injury	NO INJURY		
Critical	No		
Hospitalized	No		
Hospital			
Transported			



Main Narrative
OFF MICHAEL SPICER (322)

01/16/2020 02:15 - 322 OFF MICHAEL SPICER

On Wednesday, January 15, 2020 at 23:15 hours, I, Ofc. Spicer #322 was dispatched by Police Radio to 29 W. 21st St for a domestic in progress. Police Radio did advise that this residence had many priors for the same incident.

Upon arrival, I made contact with the Hassan Daniels (B/M/39) who has waiting outside of the residence when Police arrived. At 21:01 hours that same day, I was dispatched by Police Radio for the same incident with Hassan Daniels. His mother, Angela Miller (B/F/58) had called Police to get her son removed from her residence because he continuously refused to leave after being instructed to vacate the premise. Ms. Miller stated that Mr. Daniels has been smoking PCP and causes a disturbance inside her household. During my first encounter with Mr. Daniels, he was ordered to leave the house because he did not reside at residence and was advised to not come back or he will be taken into custody.

At 23:15 hours, I was called back again for the same incident, so upon arrival, I immediately detained Mr. Daniels at this time to investigate what had occurred. At this time, I immediately smelled a strong odor of alcohol coming from Mr. Daniels person. I had to have him sit on the front steps because he was very off balanced and his eyes were very glassy and bloodshot. I could also smell PCP coming from Mr. Daniels person as well. I then proceeded inside the residence to speak with Ms. Miller about the incident that had occurred this time. Ms. Miller stated Mr. Daniels was repeatedly banging on the front and back door of her residence and stated "I will kick in the door". At 23:00 hours Ms. Miller stated that Mr. Daniels had forced entry into her home through the front door and threw soap everywhere in the basement and was smoking, while blowing the smoke in his mother's face. After gathering all of the information from Ms. Miller, I then placed Mr. Daniels into custody. Once I had placed Mr. Daniels into my patrol vehicle, he had complained of chest pains and stated that he wanted to go to the hospital. I then advised Police Radio that I was transporting Mr. Daniels to CCMC for medical evaluation. Once medically cleared by CCMC, I then transported Mr. Daniels to Chester Police Station for housing and processing.

Do to the above being true to the best of my knowledge, I Ofc. Spicer #322, respectfully request that Hassan Daniels (B/M/39) answer to the following violations of PA Crimes Code Title 18:

- 5506: Loitering And Prowling At Night Time
- 5503B: Disorderly Conduct
- 5505: Public Drunkenness
- 3503(B.1) Simple Trespass
- 2709: Harassment
- 3502A:Burglary

Supplemental Narrative
SEPTA TRANSIT POLICE (SEPTA)

SUPPLEMENTAL 01/17/2020 07:13 - 260 OFF JOSEPH DOUGHERTY

***** CPD Prisoner Property Record on file *****

SUPPLEMENTAL- 03/28/2021 OFC. J. OTTEN-348

09/14/2020 FTA BENCH WARRANT ISSUED

12/08/2020 NEGOTIATED GUILTY PLEA TO CT.1 LOITERING, TIME SERVED- 12 MONTHS, DRUG AND ALCOHOL EVAL FROM STREET WITHIN 10 DAYS, STAY AWAY FROM 29 W 21ST STREET NO CONTACT WITH VICTIM
CT.2 DC 1 YR PROBTION CONCURRENT

TRULINCS 72055066 - DANIELS, KENNETH - Unit: ASH-J-B

FROM: Health Services Admin
TO: 72055066
SUBJECT: RE:***Inmate to Staff Message***
DATE: 08/02/2022 12:17:02 PM

You are on the schedule to be seen by your provider, please monitor call outs.

From: ~^! DANIELS, ~^!KENNETH <72055066@inmatemessage.com>
Sent: Thursday, July 28, 2022 11:11 AM
To: ASH-InmateToHealthSvcs (BOP) >
Subject: ***Request to Staff*** DANIELS, KENNETH, Reg# 72055066, ASH-J-B

To: p/a BOYD .
Inmate Work Assignment: UNICOR

i have been coming to sick call and every time i come up there about my pain i having in my legs as well as stomach pain i am told that they put me on your list to be seen .. it been over a month now and i still have not been on a call to see you .. i been having these problems since i been here . to this date nothing still have not been done to help stop my issues ?? can you please see ??

Kenneth Daniels

72055-066

Federal Correctional Institution (Ashland - Low)

P.O. Box 6061

Ashland Ky 41105



U.S.M.S.
X-RAY



OFFICE of The Clerk of Courts
U. S. District Courts
601 MARKET Street
Phila PA 19106-9865



CERTIFIED MAIL®

PLACE STICKER ON ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

7020 2450 0000 7392 1699